



9200/3683
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: LIPPERT

In re Application of:)
ROLAND LIPPERT et al.) Examiner: R. Siconolfi
Appl. No.: 09/719,759)
Filed: December 14, 2000) Group Art Unit: 3683
For: MULTIPLE-ROW RADIAL BEARING)

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PRUSUANT TO 37 C.F.R. 1.181(a)

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AUG 27 2003

GROUP 3683

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
S I R:

Applicant hereby petitions the Commissioner to withdraw holding of abandonment of above-identified application for patent.

An office action, dated August 28, 2002 and finally rejecting all claims on file was received from the U.S. Patent and Trademark Office in this application. A term for response was set to expire on November 29, 2002. A response to the Office Action in the form of a Notice of Appeal was mailed to the Commissioner of Patents on November 29, 2002. The appeal was accompanied by a proper certificate of mailing, and received by the U.S. Patent and Trademark Office on December 4, 2002, as indicated by the returned post card.

Following the lodging of the Notice of Appeal, applicant's representative had a first telephone interview with the Examiner on December 6, 2002. During the interview, the subject matter was extensively discussed. In particular, applicant's representative discussed the Burkhardt reference and pointed out that its teaching would not apply to the claims as on file. As a result of the interview, the Examiner agreed to review the matter and further contact applicant's representative within a week.

The Examiner called on December 17, 2002 and informed applicant's representative, after discussing the subject matter with the Supervisory Examiner, that the Office Action will be withdrawn and that a new, non-final, Office Action will be mailed.

The Examiner never followed up with the agreement at the interview and never mailed the Office Action, as agreed. Instead a Notice of Abandonment, mailed August 11, 2003, has now been received.

As soon as applicant became aware of the abandonment of this application, immediate steps were taken.

Grant of the petition is respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No: 06-0502.

Respectfully submitted,

By: 

Henry M. Feiereisen
Reg. No.: 31,084
Agent for Applicant

Date: August 18, 2003
350 Fifth Avenue, Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:af



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: LIPPERT

In re Application of:

ROLAND LIPPERT et al.

Appl. No.: 09/719,759

Filed: December 14, 2000

For: MULTIPLE-ROW RADIAL BEARING

) Examiner: R. Siconolfi

) Group Art Unit: 3683

DECLARATION OF HENRY M. FEIEREISEN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
S I R:

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AUG 27 2003
GROUP 3600

I, Henry M. Feiereisen, declare as follows:

1. I am a registered patent agent, Registration No. 31,084.
2. I am responsible for the prosecution of the above-identified patent application.
3. On September 3, 2002, I received a final Office Action mailed August 28, 2002 in the above-identified patent application.
4. In response to the Office Action, a Notice of Appeal was timely filed on November 29, 2002.
5. On December 6, 2002, I discussed the application with Examiner Siconolfi over the telephone. As a result of this telephone interview, Examiner Siconolfi agreed to review the application and to call me back the following week. A copy of the respective memorandum is attached hereto as Exhibit A.

6. On December 17, Examiner Siconolfi called back to inform me that he will withdraw the final rejection and issue a new Office Action. A copy of the respective memorandum is attached hereto as Exhibit B.

7. In accordance with our office procedure, my secretary Antonella Fusillo, placed the file in the stack, marked "CALL PTO".

8. I have no knowledge as to why my secretary failed to follow up and failed to bring to my attention the fact that no further office action was received. I can only guess that the file became misplaced during preparation for our move to new office facilities in the Empire State Building.

9. The abandonment of this application first came to my attention on August 13, 2003, upon receipt of the Notice of Abandonment, mailed August 11, 2003.

10. In order to avoid repetition of the events which took place in this case, I have instituted a new procedure, which requires my secretary to use a dedicated calender for internal deadlines with respect to placing calls and/or follow-up with inquiries with the Patent and Trademark Office.

11. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 

Henry M. Feiereisen
Reg. No.: 31,084
Agent for Applicant

Date: August 18, 2003
350 Fifth Avenue, Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:af

A

Gesprächs-Notiz

Datum	
12/6/2002	
Uhrzeit: 1:30 pm	
Persönlich	
eigener Anruf	
fremder Anruf	
Ort	
Telefon/Telefax (703) 305-0580	
E-Mail	
Betreff:	

LIPPERI

explained difference esp. with respect to
"inferior" circumstances gave. Ex
indicated a review and will call back
next week.

12/17/2002

Zeichen:

erledigt:

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AUG 27 2003
GROUP 3600

(B)



Gesprächs-Notiz

Datum	12/17/02
Uhrzeit	3pm
Persönlich	
eigener Anruf	
fremder Anruf	
Ort	
Telefon/Teletax	(703) 305-0580
E-Mail	
Betreff:	LIPPERT

will withdraw final rejection and issue
new office action

Zeichen: Chad AK